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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 09/785,022 | 02/15/2001 | Stephen C. Hahn | SUN1726/P5721NP | 3012 |
| 22434 | 7590 | 09/08/2004 | EXAMINER | |
| BEYER WEAVER & THOMAS LLP | | | SHAH, NILESH R | |
| P.O. BOX 778 | | | ART UNIT | |
| BERKELEY, CA 94704-0778 | | | PAPER NUMBER | |
| | | | 2127 | |
| DATE MAILED: 09/08/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/785,022

Applicant(s)

HAHN, STEPHEN C.

Examiner

Nilesh Shah

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-33 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being obvious over Pereira (5,809,230) in view of Maruyama et al (6,353,847) (hereinafter Maruyama).
4. As per claim 1, Pereira teaches the invention substantially as claimed including a method of dynamically checking a set of one or more resource controls associated with resource consumption of newly added software to an operating system, the method comprising:

encountering the newly added software and the associated set of one or more resources controls by an operating system entity in the operating system wherein each of the set of resource controls identifies one or more resources (col. 3 lines 64-67, col. 7 lines 37-41).

5. Pereira does not specifically teach of determining usage values.

Maruyama teaches each of the set of resources controls having one or more limiting values associated therewith, each of the limiting values having one or more associated actions that are triggered if the limiting value is exceeded (col. 1 lines 51-56, col. 2 lines 10-28);

determining whether usage of the a one of the one or more resources by the operating system entity exceeds a one of the limiting values in the one of the set resource controls corresponding to the one of the resources(col. 1 lines 51-56, col. 2 lines 10-28);

triggering the one or more actions associated with the one of the limiting values when usage of the one of the one or more resources by the operating system entity exceeds the one of the limiting values(col. 1 lines 51-56, col. 2 lines 10-28, col.);

and

granting the one of the one or more resources to the operating system entity if the limiting value has not been exceeded (col. 6 lines 36-41).

6. It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Maruyama and Pereira because Maruyama's method of assigning and comparing load values to resources would improve Pereira's system of distributing different resources by being able to tell with resource has exceeded its predetermined threshold value.

7. As per claim 2, Pereira method further comprising:

searching by the operating system entity a first set of resource controls to locate the one of the set of resource controls (col. 10 lines 49-60).

8. As per claim 3, Pereira method further comprising:

searching by the operating system entity a second set of resource controls associated with a plurality of entities to locate the one of the set of resource controls (col. 10 lines 54-60).

9. As per claim 4, Pereira method further comprising determining whether the a-resource associated with the resource control is active (col. 7 lines 27-35).

10. As per claim 5, Pereira method further comprising loading the one of the set of resource controls from a global set of controls to a local set of controls associated with the operating system entity (col. 7 lines 11-14).

11. As per claim 6, Maruyama method further comprising notifying a plurality of other entities when there is a violation of one of the limiting values by the operating system entity (col. 1 lines 51-56, col. 2 lines 10-28, col.).

12. As per claim 7, Pereira method further wherein the operating system entity is one of a process, task, and a project in the operating system (col. 7 lines 11-14).

13. As per claim 8, Pereira teaches a method wherein encountering the newly added software and the associated set of resource controls by an operating system entity in the operating system further includes registering the set of resource controls associated with the newly added software with the operating system (col. 3 lines 64-67, col. 7 lines 37-41).
14. As per claim 9, Pereira teaches a method further comprising manually changing the limiting value as desired (col. 9 lines 10-20).
15. Claims 10-12 are rejected based on the same rejections as claim 1 above.
16. As per claim 13, Pereira teaches a method for dynamically adding a resource to an operating system wherein the resource has a variable number of limits comprising:

executing a process request by an operating system entire of the operating system for a resource (col. 3 lines 64-67, col. 7 lines 37-41).
17. Maruyama teaches searching in a local set of resources corresponding to the operating system entity for a resource control associated with the resource the local set of resources having one or more resource controls each of the resource controls being associated with a resource and including a one or more control values and identifying one or more associated actions that are triggered if the corresponding control value is exceeded and determining whether a usage value is

greater than a-one of the control values associated with the resource value from the local set (col. 1 lines 51-56, col. 2 lines10-28, col.).

18. As per claim 14 Maruyama teaches method comprising:

when the usage value is greater than one of the control values associated with the resource from the local set, making a further determination as to whether the resource is contained within a global set(col. 1 lines 51-56, col. 2 lines10-28); and when the usage value is less than the one of the control values associated with the resource from the local set value, approving the grant of the resource (col. 6 lines 36-41).

19. As per claim 15 Maruyama teaches method further comprising:

denying the resource to the requesting party when the resource control is not contained in the a global set (col. 1 lines 51-56, col. 2 lines10-28).

20. As per claim 16, Pereira teaches a method further comprising loading the one or more resource controls associated with the resource from a global set to the local set where when the resource is not found in the local set (col. 12 lines 50-59).

21. As per claim 17, Pereira teaches a method further comprising

determining after the resource is found in the local set or loaded into the local set, whether the resource is still active(col. 7 lines 27-35).

22. As per claim 18 Pereira teaches a method further comprising registering the resource when first introducing it to the operating system (col. 7 lines 26-40).
23. As per claim 19 Pereira teaches a method wherein registration comprises:
loading and initializing the software module containing the one or more resource controls and adding the one or more resource controls to the local set (col. 12 lines 30-59).
24. As per claim 20, Maruyama teaches method further comprising: resetting the limiting value of the one of the set of resource controls to another threshold value (col. 6 lines 61-65).
25. As per claim 21, Maruyama teaches method further comprising
dynamically adding the set of resource controls to a second set of resource controls (col. 6 lines 61-65).
26. As per claim 22, Maruyama teaches method further comprising removing the set of resource controls from a second set of resource controls (col. 6 lines 61-65).
27. As per claim 23, Maruyama teaches method further comprising adding the set of resource controls to a global set of resource controls maintained by the operating system, thereby enabling operating system entities of the operating system to be aware of additional capabilities of the operating system added by the set of

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resource controls and the associated newly added software module (col. 6 lines 56-65).

28. As per claim 24, Maruyama teaches method wherein adding the set of resource controls to a global set of resource controls maintained by the operating system is performed when encountering the newly added software is executed for a first time (col. 6 lines 49-65).

29. As per claim 25, Maruyama teaches method wherein adding the set of resource controls to a global set of resource controls maintained by the operating system is performed when the newly added software is loaded (col. 6 lines 49-65).

30. As per claim 26, Maruyama teaches method wherein removing the set of resource controls from the global set of resource controls (col. 6 lines 61-65).

31. As per claim 27, Maruyama teaches method wherein removing the set of resources controls from the global set of resource controls is performed when the newly added software is unloaded (col. 6 lines 61-65, col. 1 lines 51-56, col. 2 lines 10-28).

32. As per claim 28, Maruyama teaches method further comprising of adding the set of resource controls to a local set of resource controls associated with an operating system entity within the operating system (col. 6 lines 49-65).

33. As per claim 29, Maruyama teaches method further comprising determining whether a user has a privilege status for the resource (col. 6 lines 61-65, col. 1 lines 51-56, col. 2 lines 10-28).
34. As per claim 30, Maruyama teaches method further comprising registering the resource when first introducing it to the operating system (col. 6 lines 49-65).
35. As per claim 31, Maruyama teaches method wherein registration comprises: loading and initializing the software module containing the one or more resource controls and adding the one or more resource controls to the global set (col. 6 lines 49-65).
36. As per claim 32, Maruyama teaches method, wherein determining triggering and granting are performed by the operating system (col. 1 lines 51-56, col. 2 lines 10-28).
37. As per claim 33, Maruyama teaches method wherein determining is performed by the operating system (col. 1 lines 51-56, col. 2 lines 10-28).

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Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is 703-305-8105. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

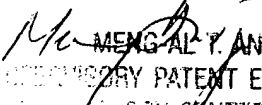
Nilesh Shah

Examiner

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NS

August 24, 2004


MENG AN
JULY 2004 PATENT EXAMINER
BIOLOGY CENTER 2100